



DEPARTMENT OF THE NAVY  
BUREAU OF MEDICINE AND SURGERY  
2300 E STREET NW  
WASHINGTON DC 20372-5300

IN REPLY REFER TO  
BUMEDINST 5355.4  
BUMED-M09B117  
22 Feb 2005

BUMED INSTRUCTION 5355.4

From: Chief, Bureau of Medicine and Surgery  
To: All Internal BUMED Codes

Subj: DRUG-FREE WORKPLACE PROGRAM

Ref: (a) SECNAVINST 12792.3  
(b) OPNAVINST 5355.4  
(c) NDWINST 5355.1A

Encl: (1) Drug-Free Workplace Program Implementing Guidelines  
(2) Random Testing Selection Procedures

1. Purpose. To publish policy and procedures for implementing the Bureau of Medicine and Surgery (BUMED) Drug-Free Workplace Program (DFWP).

2. Background

a. References (a) and (b) provide Navy-wide policy and procedures for implementing the DFWP. Guidelines for the implementation of the DFWP are in reference (c).

b. Per references (a) and (b), testing will be conducted for the following drugs and/or their metabolites: cocaine, cannabis (marijuana), amphetamines, opiates, phencyclidine (PCP) and other drugs subsequently approved by Department of Health and Human Services for agency-wide testing. On the basis of reasonable suspicion, testing will be conducted for any drug on Schedule I and II of the Controlled Substance Act as listed in Appendix G of reference (a).

c. Drug testing per the Navy DFWP, will include:

(1) Random testing of employees who are assigned to a Testing Designated Position (TDP) and those covered by Interservice Support Agreements (ISSA).

(2) Pre-employment testing of a tentative selectee for a TDP before an employment offer is made.

(3) Accident/unsafe practice testing, which may be required following any mishap.

(4) Reasonable suspicion testing of an employee is based on a belief that the employee used or uses illegal drugs.

(5) Voluntary testing of an employee who volunteers to be included in the TDP pool, but who would not otherwise be subject to random testing.

(6) Follow-up testing of an employee after completion of a rehabilitation or counseling program.

d. Maintaining a DFWP is the responsibility of every BUMED employee. Personnel who are in any way involved in the implementing and execution of actions under the DFWP will be familiar with this instruction. The BUMED Drug Program Coordinator (DPC) will direct, administer, and manage the BUMED DFWP and perform such duties as may be required by the Chief of Naval Operations (CNO) urine collection contract.

e. The Regional DPC shall be the single point of contact for unusual or special sampling requirements. The coordinator shall be the focal point to expedite sample testing within the bounds of the CNO urine collection contract.

3. Policy. Enclosures (1) and (2) require action. BUMED implementation of the DFWP includes:

- a. Issuance of employee notices regarding the DFWP.
- b. Providing training on the DFWP to supervisors and employees.
- c. Notification to and consultation with the local unions, per contract(s).
- d. Providing a "Safe Harbor" for any new employee who voluntarily identifies him or herself as a user of illegal drugs before discovery.
- e. Randomly selecting employees from the drug testing command TDP pool.
- f. Providing employees an opportunity to declare the legitimate use of over-the-counter or prescription drugs before taking a test.
- g. Collection by direct or indirect observation and testing of urine samples.
- h. Referral of employees to the Civilian Employee Assistance Program (CEAP) for counseling and rehabilitation after receipt of a positive drug finding.
- i. Annually review command civilian positions to determine which are included in the Department of the Navy TDP pool.

4. Responsibilities

a. The BUMED DPC will direct, administer and manage the BUMED DFWP and perform such duties as may be required by the CNO urine collection contract. BUMED DPC Liaison will coordinate and administer the DFWP as required by the Regional DFWP.

b. Managers and Supervisors will

(1) Ensure all BUMED employees attend a DFWP class.

(2) Ensure implementation of all DFWP policies.

5. Action

a. This instruction applies to all appropriated fund employees and applicants tentatively selected for TDPs.

b. Personnel involved in any phase of the drug-testing program must maintain confidentiality. Disclosure of information from medical, personnel, or other similar records maintained by an agency is regulated by 5 U.S.C. §552a (Privacy Act of 1974). Any personal information obtained from an individual as a result of a drug test or from a government or private health care facility about an employee's illegal use of drugs or other medical matters must be held in the strictest confidence, except for official purposes. All records pertaining to the privacy of an individual will be maintained, at all times, in a manner which precludes unauthorized access. Records will be retained for a period of 2 years, or as required by subsequent administrative or judicial proceedings, or at the discretion of the Secretary of the Navy.

c. Any employee or applicant for a federal job who is subject to drug testing, upon receipt of a written request by the BUMED DPC, shall have access to records relating to his or her drug test and the results of relevant laboratory certification review or revocation of certification proceedings. Except as authorized by law, an applicant who is not a federal employee will not be entitled to this information.



C. S. HUNTER  
Chief of Staff

## DRUG-FREE WORKPLACE PROGRAM IMPLEMENTING GUIDELINES

1. Introduction. This guide provides step-by-step procedures for conducting drug testing under the Department of Navy (DON) Drug-Free Workplace Program (DFWP). However, this guide is not all-inclusive and, when necessary, reference (a) should be consulted. The collection process is the key to a successful drug testing program. This guide is prepared to ensure every collection is properly conducted in a manner that is consistent with the objectives of the DFWP. Unless otherwise specifically exempted by the Chief of Naval Operations (CNO), all collections are to be made in conjunction with the CNO centralized collection contract. In carrying out actions under this guide, care is to be taken at each step to ensure that the integrity of the collection process is maintained. No unauthorized personnel will be permitted in any part of the collection site where urine specimens are collected or stored.

### 2. Random Testing

a. Selection. Only those employees, who are assigned to a Testing Designated Position (TDP) for a period which exceeds 30 days, may be subject to random testing. Any method of random selection may be used to assure a true random selection; however, the method chosen must be fully documented. There is no requirement to ensure that each employee in a TDP is tested every year or to limit any employee in a TDP to a specific number of tests. The random selection of employees for testing will be guided by the following procedures:

(1) The random scheduling program within the Health Evaluation and Information for Drug Abuse and Industry (HEIDI) system is used by the Regional Drug Program Coordinator (DPC) to randomly generate a list of members to be drug tested for a specific scheduling period.

(2) When authorized by the Chief of Staff (COS), the BUMED DPC may arrange and conduct random testing of selected employees.

b. Notification. The BUMED DPC will issue written notification of random testing to the immediate supervisor no sooner than 2 hours before the scheduled collection. The notification will include the following:

(1) Instruction to the supervisor regarding employee notification.

(2) Collection schedule containing the employee name, date, time of collection and collection site.

(3) Random Drug Testing Program Checklist for Supervisors.

(4) Random Drug Testing Program Checklist for Employees.

3. Applicant Testing. The Human Resources Office-Washington (HRO-W) will notify the Regional DPC, in writing, of the need to arrange for applicant testing. The notification will verify that the selectee has not had a positive drug test result within the last 6 months and identify:

- a. The title, pay plan, and series of the position to be filled.
- b. The name, gender, social security number, and employing activity/organization title. The Regional DPC will then make arrangements for the testing and inform HRO-W in writing of the collection schedule. Notification to the applicant will be made by HRO-W. Notification will be made no sooner than 48 hours before the actual collection date.
- c. An applicant's refusal to be tested or failure to appear for a scheduled test after proper notification will result in cancellation of any tentative offer of employment.
- d. The Regional DPC will provide HRO-W with written notification of test results. Notification to the applicant of the test results will be made by HRO-W. Additional guidance concerning notification of a verified test result is provided in reference (a).

4. Follow-up Testing. On receipt of notification of a first verified positive drug test or a determination that an employee uses illegal drugs, the supervisor will issue a letter referring the employee to the Civilian Employee Assistance Program (CEAP) at HRO-W. The letter will offer the employee an opportunity to enter a drug rehabilitation program. A sample referral letter is provided at Appendix A of this instruction. Employees referred through administrative action to CEAP for counseling or rehabilitation for illegal drug use will be subject to drug testing for 1 year as a follow-up to his or her rehabilitation.

- a. Rehabilitation. The CEAP Administrator will prepare a rehabilitation plan in conjunction with Appendix A-1 of reference (c). An employee may be exempted from random testing during treatment and rehabilitation for a period not to exceed 12 months, or as specified in the rehabilitation plan. The CEAP Administrator will make a written request for deferral of random testing to the Regional DPC for approval. A copy of the rehabilitation plan or other form of written agreement will be provided as an enclosure to the request for deferral. The plan will be retained by the Regional and BUMED DPCs.

- b. Frequency of Testing. Follow-up testing will commence upon return to duty for employees completing residential rehabilitation, or after 1 month of participation in a non-residential rehabilitation or counseling program.

5. Reasonable Suspicion Testing

- a. Determination. A test may be authorized when management has a reasonable suspicion that an employee in a TDP is using drugs illegally. This suspicion must be

based on specific objective facts and reasonable inferences drawn from these facts. Although reasonable suspicion testing does not require certainty, mere “hunches” or “rumors” are not sufficient to meet this standard. Reasonable suspicion testing may be based upon, among other things:

(1) Observable phenomena, such as direct observation of drug use or possession of drugs and/or the physical symptoms of being under the influence of a drug.

(2) Arrest or conviction for an on-duty or off-duty related offense (on-duty only for non-TDP) or identification of an employee as the focus of a criminal investigation into illegal drug possession, use, or trafficking.

(3) Information provided either by reliable and credible sources or independently corroborated.

(4) Newly discovered evidence that the employee has tampered with a previous drug test.

(5) The temperature or color of the urine sample, or other evidence, indicates probable alteration, tampering, or substitution.

b. Authorization. A test may only be authorized for an employee in a non-TDP when management has a reasonable suspicion that the employee is using drugs illegally while in an on-duty status or performing work while drug-impaired. The appropriate supervisory or management official will gather all information and facts leading to, and supporting, the suspicion. In addition to testing for the presence of drugs identified in paragraph 5d(1) of reference (c), the single digit or the head of the activity is authorized to include any drug in Schedule I and II of the Controlled Substance Act. The requesting official must specify in writing the drug(s) for which the employee is to be tested.

(1) A request for reasonable suspicion testing will be made in writing to the COS for review and approval. The request will include documentation in support of the drug-related incident in the format of Appendix B of this instruction and will be accompanied by an Executive Summary Memorandum.

(2) Upon approval of the request, the immediate supervisor will notify the Regional DPC via the BUMED DPC of the requirement to arrange for a test. A copy of the written notice of testing and documentation in support of a drug-related incident will be provided to the Regional DPC via the BUMED DPC. The Regional DPC will promptly notify the contractor and arrange for the collection. Where possible, the collection will be made on the same day the request is approved, but not later than 24 hours after the event leading to the determination. The Regional DPC, via the BUMED DPC, will provide the supervisor with the date, time, and location of the collection and any necessary information to be conveyed to the employee.

(3) The immediate supervisor will:

(a) Notify the employee in private that he or she has been scheduled for drug testing under conditions of reasonable suspicion and provide date, time, and location of the collection site.

(b) Instruct the employee to take appropriate picture identification to the collection site.

(c) Issue the specific written notice, Appendix C of this instruction, and allow the employee ample time to read the notice.

(d) Escort the employee to the collection site.

6. Accident/Unsafe Practice Testing. The DON is committed to providing a safe and secure work environment. It has a legitimate interest in determining the cause of serious on-the-job accidents, or unsafe, on-duty, job-related activity so that appropriate corrective measures may be taken. Drug testing after an accident or unsafe practice can provide invaluable information in furtherance of that interest. Accordingly, employees may be subject to testing when based upon the circumstances of the on-the-job accident or unsafe on-duty, job related activity, or their actions are reasonably suspected of having caused or contributed to an accident or unsafe practice that meets either of the following criteria:

a. The accident or unsafe practice results in a death or personal injury requiring hospitalization.

b. The accident or unsafe practice results in damage to Government or private property estimated to be in excess of \$10,000.

7. Authorization

a. If a supervisor or manager suspects that an employee has caused or contributed to an on-the-job accident or unsafe, on-duty, job-related activity that meets either of the criteria stated above, he or she will gather all information, facts, and circumstances leading to the event and supporting this requirement. A request for testing based on the above determination shall be made in writing by the directorate/department head for review and approval in the format of Appendix C. In addition to testing for the presence of drugs identified in paragraph 5d(1) of reference (c), activities are authorized to include any drug(s) listed on Schedules I and II of the Controlled Substance Act. The requesting official must specify in writing the drug(s) for which the employee is being tested.

b. Upon approval of the request, the immediate supervisor will notify the Regional DPC via the BUMED DPC of the requirement to arrange for a test. A copy of the written notice of testing and documentation in support of the drug-related incident will be provided to the Regional DPC. The Regional DPC will promptly notify the contractor and arrange for the collection to be conducted. If possible, the collection will be made on the same day the request is approved, but not later than 24 hours after the event which caused the determination. The test may be conducted without regard to the employee's regular work shift and overtime pay or compensatory time will be provided as needed. The BUMED DPC will provide the supervisor with the date, time, and location of the collection site and any other necessary information to be conveyed to the employee. The immediate supervisor will:

(1) Notify the employee in private that he or she has been scheduled for testing based on an accident or unsafe practice and the date, time, and location of the collection site.

(2) Issue the specific written notice, Appendix D of this instruction. The employee will be allowed ample time to read the notice.

(3) Instruct the employee to take appropriate picture identification to the collection site.

(4) Escort the employee to the collection site.

8. Voluntary Testing. In order to demonstrate a commitment to the DON goal of a drug-free workplace and to set an example for others, an employee may volunteer to be included in the random testing program. Appendix E of this instruction is a sample request for this purpose.

a. Within 10 working days of receipt of a request for voluntary testing, the Regional DPC via the BUMED DPC shall provide to the requesting employee two copies of the acknowledgement notice.

b. The employee will return to the Regional DPC via the BUMED DPC one signed copy of the acknowledgement notice no later than 10 working days after receipt. Failure to do so will be viewed as a withdrawal of the request. The BUMED DPC will retain the employee's signed acknowledgement.

c. If the employee later chooses to withdraw from voluntary testing, he or she may do so by annotating a copy of the acknowledgement notice indicating the desire to withdraw the request and the effective date of the withdrawal. The notice will be returned to the Regional DPC via the BUMED DPC.



SAMPLE REFERRAL FOR CIVILIAN EMPLOYEE ASSISTANCE PROGRAM

From: (Supervisor's name and code)

To: (Employee's name)

Subj: CIVILIAN EMPLOYEE ASSISTANCE PROGRAM REFERRAL

Ref: (a) OPNAVINST 5355.4

(b) NDWINST 5355.1A

(c) BUMEDINST 5355.4

1. Per references (a) through (c) this is to refer you to the Civilian Employee Assistance Program (CEAP) as a result of administrative identification of your illegal drug use. An appointment has been made for you with the CEAP Counselor, (202) 433-4987 on day/date/month/year located at the Counseling and Assistance Center, Building 200, 3<sup>rd</sup> Floor, Washington Navy Yard.

2. I will grant you administrative leave to talk with the CEAP Counselor and to attend the first session with the Employee Assistance Counselor. All subsequent sessions will be chargeable to your sick leave, annual leave, or leave without pay.

3. Per the Department of the Navy Drug-Free Workplace Program and references (a) and (b), you will be required to:

a. Enter into, participate in, and complete counseling and/or rehabilitation recommended by CEAP.

b. Consent in writing to the release of information to designated management officials for verification of counseling, rehabilitation, or for general evaluation of the rehabilitation process.

c. Continue urinalysis testing for a period of 1 year.

d. Refrain from using illegal drugs.

4. I assure you that the Chief of Staff wants you to succeed. I urge you to take advantage of this opportunity. Failure to complete counseling or rehabilitation will result in adverse action, which may include removal from the Federal service.

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5. Please feel free to discuss this matter with me if I can be of assistance.

\_\_\_\_\_  
(Supervisor's signature)

I acknowledge receipt of this notice.

\_\_\_\_\_  
(Employee's signature)

Copy to:  
CEAP Administrator  
BUMED Drug Program Coordinator  
Regional Drug Program Coordinator

SAMPLE NOTICE OF REASONABLE SUSPICION DRUG TESTING

MEMORANDUM

From: (Supervisor or management official)  
To: (Employee's name)

Subj: NOTICE OF REASONABLE SUSPICION TESTING FOR ILLEGAL DRUG USE

Ref: (a) SECNAVINST 12792.3  
(b) OPMINST 12792.3A  
(c) CPINST 792-3  
(d) OPNAVINST 5355.4  
(e) BUMEDINST 5355.4

1. The Department of the Navy (DON) has initiated a comprehensive program to achieve the goal of a drug-free workplace. This program is set forth in references (a) through (e).
2. It has been determined that sufficient grounds exist to authorize collection of a urine sample from you on the basis of reasonable suspicion. This drug test is required since management has formed a reasonable suspicion that you are using illegal drugs. Collection procedures under reasonable suspicion testing may require you to provide a specimen under direct observation.
3. Drug testing for DON civilian employees is performed through urinalysis by a Navy Drug Screening Laboratory. The testing methodology complies with guidelines issued by the Department of Health and Human Services and reflects the scientific and technical procedures necessary to assure that the results are highly reliable and accurate. These procedures will include an initial screening of the urine sample you provide for the presence of illegal drugs and, if appropriate, a confirmation test by gas chromatography/mass spectrometry.
4. To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the sample; these procedures are known as the Chain of Custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A Medical Review Officer (MRO) will review a confirmed positive test result reported by the laboratory before a determination is made that you have used illegal drugs. The MRO is a licensed physician with experience in substance abuse disorders. You will be given an opportunity to submit medical documentation to the MRO to establish your legitimate use of the specific drug(s) detected by testing before any administrative action is taken.

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5. If it is determined that you are using illegal drugs by means of this drug test, or any other means, you will be referred to the Civilian Employee Assistance Program (CEAP). Through this program, you will receive counseling and learn about the availability of sources of treatment and rehabilitation assistance. Information concerning the CEAP may be obtained from your immediate supervisor or by contacting the CEAP Administrator at (202) 433-2304.
6. If you are employed in a Testing Designated Position (TDP) as defined in CPI 792-3, and illegal drug use is detected, you will be immediately taken out of your position by detail, reassignment, or other personnel action. You may be returned to your TDP by the Chief of Staff as part of your successful participation in a rehabilitation or counseling program. In addition, disciplinary action, up to and including, removal from the Federal service will be initiated if you refuse to submit to this drug test. A removal action will be initiated if you refuse to obtain counseling or rehabilitation through the CEAP after being found to use illegal drugs or for a second finding of illegal drug use.
7. If you have other questions after providing a urine sample, you may contact Mrs. L. Herring-Jones, Regional Drug Program Coordinator, at (202) 433-6863.

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(Supervisor's signature)

**(SAMPLE FORMAT)**  
DOCUMENTATION IN SUPPORT OF A DRUG-RELATED INCIDENT

Date: \_\_\_\_\_

Employee Name: \_\_\_\_\_ SSN: \_\_\_\_\_

Organization: \_\_\_\_\_

Date and Time of Incident: \_\_\_\_\_

Type of Testing (Check one): ☐ Reasonable Suspicion  
☐ Accident/Unsafe Practice

DESCRIPTION OF THE INCIDENT LEADING TO THE REQUEST:

INDIVIDUAL(S) WITNESSING THE INCIDENT:

Name and Telephone Number	Organization
_____	_____
_____	_____
_____	_____

Any other pertinent facts or attachments (list):

Documented by:

Name (print or type):

Title (print or type):

Signature:

Date:

-----  
I have reviewed the above details and facts supporting an incident of suspected illegal drug use relevant to the requested test and concur/nonconcur (circle appropriate response).

\_\_\_\_\_  
Signature (Approving Official)

\_\_\_\_\_  
Date:

SAMPLE NOTICE TO EMPLOYEE SUBJECT TO ACCIDENT/UNSAFE  
PRACTICE DRUG TESTING

MEMORANDUM

From: (Supervisor or management official)  
To: (Employee's name)

Subj: NOTICE OF POST ACCIDENT/UNSAFE PRACTICE TESTING FOR ILLEGAL  
DRUG USE

Ref: (a) SECNAVINST 12792.3  
(b) OPMINST 12792.3A  
(c) CPINST 792-3  
(d) OPNAVINST 5355.4  
(e) BUMEDINST 5355.4

1. The Department of the Navy (DON) has initiated a comprehensive program to achieve the goal of a drug-free workplace. This program is set forth in references (a) through (e).
2. It has been determined that sufficient grounds exist to authorize collection of a urine sample from you based on your involvement in (give a brief description of the accident or unsafe practice).
3. Drug testing for DON civilian employees is performed through urinalysis by a Navy Drug Screening Laboratory. The testing methodology complies with guidelines issued by the Department of Health and Human Services and reflects the scientific and technical procedures necessary to assure that the results are highly reliable and accurate. These procedures will include an initial screening of the urine sample you provide for the presence of illegal drugs and, if appropriate, a confirmation test by gas chromatography/mass spectrometry.
4. To assure that the sample collected from you is not accidentally confused with any other sample, strict procedures will be used when collecting and transferring the sample; these procedures are known as the Chain of Custody. The test results from your sample will be handled with maximum respect for individual confidentiality consistent with safety and security. A Medical Review Officer (MRO) will review a confirmed positive test result reported by the laboratory before a determination is made that you have used illegal drugs. The MRO is a licensed physician with experience in substance abuse disorders. You will be given an opportunity to submit medical documentation to the MRO to establish your legitimate use of the specific drug(s) detected by testing before any administrative action is taken.

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5. If it is determined that you are using illegal drugs by means of this drug test, or any other means, you will be referred to the Civilian Employee Assistance Program (CEAP). Through this program, you will receive counseling and learn about the availability of sources of treatment and rehabilitation assistance. Information concerning CEAP may be obtained from your immediate supervisor or by contacting the CEAP Administrator, at (202) 433-2304.
6. If you are employed in a Testing Designated Position (TDP) as defined in CPI 792-3, and illegal drug use is detected, you will be immediately taken out of your position by detail, reassignment, or other personnel action. You may be returned to your TDP by the Chief of Staff as part of your successful participation in a rehabilitation or counseling program. In addition, disciplinary action up to and including removal from the Federal service will be initiated, if you refuse to submit to this drug test. A removal action will be initiated if you refuse to obtain counseling or rehabilitation through CEAP after being found to use illegal drugs or for a second finding of illegal drug use.
7. If you have other questions after providing a urine sample, you may contact Mrs. L. Herring-Jones, NDW Drug Program Coordinator, at (202) 433-6863.

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(Supervisor's signature)

SAMPLE LETTER REQUEST FOR VOLUNTARY DRUG TESTING

MEMORANDUM

From: (Requesting employee)  
To: Drug Program Coordinator  
Via: (1) 1st line supervisor  
(2) 2nd line supervisor

Subj: REQUEST FOR VOLUNTARY DRUG TESTING

1. I voluntarily request to be included in the Testing Designated Position (TDP) pool and be subject to random testing. This decision has been made without any management coercion or pressure. I understand that I will be subject to the same conditions and procedures as an employee in a TDP. I also understand that I may withdraw from inclusion in the random testing pool at any time upon submission of a written statement.

2. The following information is provided in support of this request:

a. Name: \_\_\_\_\_

b. Social Security Number: \_\_\_\_\_

c. Gender: \_\_\_\_ M \_\_\_\_ F

d. Position Title, Series and Grade: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

e. Organization: \_\_\_\_\_

f. Duty Station: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Employee Signature and Date



### RANDOM TESTING SELECTION PROCEDURES

1. Per reference (b), the following procedures apply to randomly selecting employees for BUMED Testing Designated Positions (TDPs).
2. The number of tests conducted each year for all categories will be equal to, but not less than, 50 percent of the TDP pool. This total will be allocated quarterly so any fiscal year variations from the target annual test ceiling will be insignificant.
3. The random scheduling program within the HEIDI system will electronically allow the Regional DPC to randomly generate a list of members to be drug tested for a specific scheduling period.